UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,582	07/10/2000	GEORGE SAPNA	851663.407	9626

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EXAMINER
FLANDERS, ANDREW C

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>22 August 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   <u>See attached remarks.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

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DETAILED ACTION

Applicant's arguments regarding claims 1, 11 and 14 have been fully considered but they are not persuasive.

Applicant alleges primarily that "post processing section 7 does not 'calculate an array of sum data and an array of difference data **using selected data elements form the input sequence'**". Applicant further states that "post processing section 7 operates on **intermediate** terms to generate output data; post processing section 7 does not operate on **selected data elements from the input sequence** to generate sum and difference data; and further, post processing section 7 does not operate as preprocessing section 1 to generate sum or difference data, post processing section 7 does **not** generate an array of sum data and an array of difference data **using selected data elements from the input sequence**, as claimed.

Examiner respectfully disagrees with Applicants allegation. First, contrary to applicants allegation, post processing section 7 does "calculate an array of sum data and an array of difference data using selected data elements from the input sequence." Uramoto discloses, that the post processing section has the same configuration of that of Figs. 5 or 6. In that case, **input circuit** (emphasis added) sequentially or alternately receives intermediate terms; disclosed on page 12 lines 24 – 25. As shown, the input circuit of the post processing section receives intermediate terms. Reading upon the claim language as broadly as possible and when taken into consideration with the

combination of Sousa, the input circuit receiving the intermediate terms does read upon using selected data elements from the input sequence. In this case, the processing section in Sousa is substituted with the post processing circuit of Uramoto. The inputs to Sousa then applied to the input circuit of Uramoto, the post processing section of the combination does in fact "use selected data elements form the input section. The terminology of intermediate vs. input is irrelevant due to the combination. Further, the intermediate terms could be read as the input being as they are input to the post processing section.

Further more, contrary to applicants allegation, post processing section does calculate an array of sum and an array of difference data using the input elements as shown above. Referring to the Uramoto reference, page 12, lines 24 – 25 "the input circuit receives intermediate terms to apply a desired combination of the terms to **adder/subtractors** 22, 23 or 26. Furthermore, applicant acknowledges this in the statement "Uramoto generates an output x2, for example that comprises additions and subtractions of products of input data and elements of a coefficient matrix". As such, the argument is not persuasive and the rejection stands.

Applicant's arguments regarding claim 8 have been fully considered but they are not persuasive.

Applicant alleges primarily that "the sum output data… and the difference output data… generated by post processing section 7 is not the same as the array of sum data

$S_{ADD}[k] = S[k] + S[m-1-k]$ and the array of difference data $S_{SUB}[k] = S[k] - S[m-1-k]$; and

Mi is an intermediate term comprised of additions and/or subtractions of products of

input data and in contrast S[k] and S[m-1-k] are coded input digital audio samples." "In

other words, it is clear that xi = Mi +/- Ni does not equal $S_{ADD}[k]$ or $S_{SUB}[k]$ since S[k]

does not equal Mi and S[m-1-k] does not equal Ni.

Examiner respectfully disagrees. Applicant is alleging that the addition and

subtraction term xi is not equal to the $S_{ADD}[k]$ or $S_{SUB}[k]$ in applicants claim 8 because

S[k] does not equal Mi and S[m-1-k] does not equal Ni. Applicants primary basis for the

non equivalence is due to the fact that Mi and Ni are intermediate terms comprised of

additions and subtractions and S[k] and S[m-1-k] are coded input digital audio samples.

However, Examiner maintains that the currently presented claim allows for this

interpretation. Mi is a data term that is subjected to an addition or subtraction, Ni is a

data term that is also subjected to an addition or subtraction; Uramoto page 12 lines 24

– 30. The Uramoto post processor is operable to operate on video data (page 2 lines 4

– 5) and thus audio. Therefore, Mi and Ni as coded input data, would be processed in

the same manner, regardless if they were audio or video. Further, Mi and Ni do are in

fact equivalent to S[k} and S[m-1-k]. As such the argument is not persuasive and the

rejection stands.